



## Appeal & Request for Administrative Citation Hearing Statement of Rights and Responsibilities

**Required action:** Should an administrative citation be issued, the responsible person has thirty (30) days from the issuance date to the administrative citation to pay corresponding fine(s). Additionally, the responsible person must take one of the following actions to avoid additional penalties prior to the compliance date specified in the administrative citation.

- 1) Correct the violation, pay the corresponding fine(s), and contact the City to request a re-inspection, or
- 2) Request a hearing to appeal the administrative citation pursuant to CODE within thirty (30) days from the date of the administrative citation, together with an advanced deposit of the corresponding fine(s).

**Filing the Request for Hearing:** In accordance with Carlsbad Municipal Code Chapter 1.10, the Administrative Code Enforcement Remedies Ordinance, any recipient of an Administrative Citation may contest that there was a violation of the code or that he or she is the responsible party.

**Hearing Procedure:** The hearing officer will make his/her determination based on evidence presented at the hearing. Be advised that:

- 1) All hearings will be recorded.
- 2) The Hearing Officer will only consider for the disposition of citations, which have been scheduled at this time.
- 3) If you are not the responsible party for the violation at issue, you must state your reason for appearing.
- 4) You can submit at this time any additional evidence which as a whole shows that the citation in questions was not valid when issued.
- 5) You are to remain in the hearing room until your hearing is completed. If you should leave prior to the completion of your hearing, the citation will be upheld and any money deposited will be forfeited.

### Hearing Officer's Decision:

- 6) The Notice of Decision by the Hearing Officer will be mailed within ten (10) days from the hearing date. If the Hearing Officer determines that the Administrative Citation should be upheld and the fine has not been deposited (pursuant to an Advance Deposit Hardship Waiver), the Hearing Officer shall set forth in the decision a payment schedule for the fine. If the Hearing Officer determined that the Administrative Citation should be cancelled and the fine was deposited with the City, then the City shall refund by mail the amount of the deposited fine.
- 7) You have the right to appeal the decision of the Hearing Officer pursuant to the procedures referenced in the Carlsbad Municipal Code chapter 1.10. If you decide to appeal the Hearing Officer's decision then within 20 days after the date that the Hearing Officer's decision is personally delivered to you or placed in the mail to you, you must file an appeal with the North County Municipal Court, 338 Via Vera Cruz, San Marcos, CA 92069 – Department SM-1. The Municipal Court will charge a filing fee to process your appeal. You must also provide a copy of the notice to appeal in person or by first class mail to the City of Carlsbad, Code Compliance Unit, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.

I have read and fully understand the above procedures and conditions.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_